

REMARKS

Entry of the present after-final amendment is respectfully requested because it merely places the application in condition for allowance or at least in better form for appeal.

The applicants thank the examiner for the courtesies extended to the undersigned during the in-person interview of 7 December 2009. During the interview, the applicants proposed amending the independent claims to further recite that the application management table includes a run attribute for each of the one or more applications for determining a run condition and also amending claim 11 to recite encoding volume data in view of a possible rejection under 35 U.S.C. 101. The applicants and the examiner discussed further adding the limitation “after the title switch” to the independent claims and adding limitation “non-transitory computer-readable” before recording medium in claim 1. The above amendments and the following remarks reflect the substance of the interview.

Claim 3 was objected to because of informalities. Claim 3 has been amended to include proper antecedent basis for “recording medium”. Accordingly, the objection to claim 3 should be withdrawn.

Claim 1-2 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 1 has been amended to specify that the recording medium is non-transitory computer-readable recording medium. Accordingly, the rejection to claims 1-2 should be withdrawn.

During the above-mentioned interview, the examiner mentioned that claim 3 would possibly be rejected under 35 U.S.C. 101 for reciting non-statutory subject matter. Claim 3 has been amended to specify that the module, the module manager, and the application manager are each configured from hardware including a processor and a memory, and a program stored in the memory. As described on, for example, pg. 27, the playback apparatus includes a CPU 22 and an instruction ROM 24. As further described on pg. 33, the hardware and the software stored in the ROM 24 are shown in Fig. 18. Accordingly, claim 3, as amended, recites statutory subject matter.

Claim 11 was rejected under 35 U.S.C. 112, second paragraph and 35 U.S.C. 101. Claim 11 has been canceled without prejudice.

Claims 1-2 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 2003/0161615 to Tsumagari *et al.* (hereafter: Tsumagari). For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Claim 1 has been amended to recite the novel embodiment described, for example, on pgs. 24-25 in which the application management table shows one or more applications that has a life cycle bound to the title corresponding to the virtual machine mode object and a run attribute for each of the one or more applications for determining a run condition after a title switch. As shown in, for example, Figs. 13A-13B, the application management table includes run attributes of the applications such as “AUTORUN”, “PERSISTENT” or “SUSPEND.”

Although Tsumagari describes ENAV contents including ENAV playback information containing file information, Tsumagari does not describe an application management title giving an instruction to activate the ENAV contents. Rather, Tsumagari describes, as shown in Figs. 10, 19 and 20, playback of the ENAV contents 30 starting after playback of the DVD-Video title.

Therefore, because Tsumagari fails to disclose an application management table which includes a run attribute of each of the applications for determining a run condition after a title switch, the rejection of claim 1, as well as dependent claim 2, as amended, should be withdrawn.

Claims 3-5 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari in view of U.S. Patent No. 6,874,145 to Ye *et al.* (hereafter: "Ye"). For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Claims 3 and 12 have been amended to recite a playback apparatus and playback method in which a recording medium includes an application management table showing one or more applications that has a life cycle bound to the title corresponding to the virtual machine mode object and a run attribute for each of the one or more applications for determining a run condition after a title switch.

As discussed above, Tsumagari fails to disclose an application management table showing a run attribute for each of the one or more applications for determining a run condition after a title switch.

Further, as conceded by the examiner, Tsumagari fails to disclose the application manager operable, each time a current title is newly selected from the plurality of titles, perform run control so as to run an application that has a life cycle bound to the current title and termination control so as to terminate an application that does not have a life cycle bound to the current title based on the application management table corresponding to the current title. Ye has been cited in order to cure the deficient teachings of Tsumagari.

Ye describes an application manager 208 which executes applications according to an application lifecycle according to rules 216. However, the application manager 208 resides in a digital television receiver 200 rather than a recording medium as recited in claims 3 and 12. Further, the rules 216 do not show a run attribute for determining a run condition after a title switch as recited in claims 3 and 12.

Therefore, because both Tsumagari and Ye fail to teach or suggest a playback apparatus and playback method in which a recording medium includes an application management table showing one or more applications that has a life cycle bound to the title corresponding to the virtual machine mode object and a run attribute for each of the one or more applications for determining a run condition after a title switch, it is respectfully requested that the rejection of claims 3 and 12, as well as dependent claims 4-5, under 35 U.S.C. 103(a), be withdrawn.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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